

AO 121

To: Mail Stop 8 Director of Patents and Trademarks PO BOX 1450 Alexandria VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action has been filed in the U.S. District Court for the District of Utah on the following



Patents



Trademarks:

DOCKET NO. 2:08-cv-00501-PMW	DATE FILED 06/30/2008	U.S. DISTRICT COURT Central District of Utah 350 South Main Street, Room 150, Salt Lake City, UT 84101
PLAINTIFF CAO Group		DEFENDANT Dentsply International
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Complaint and Exhibits		
2 6,953,340	6,929,472	
3 6,971,875	6,932,600	
4 6,979,493		
5 6,331,111		

In the above-entitled case, the following patents(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 6,719,558			
2 6,719,559			
3 6,755,648			
4 6,783,362			
5 6,926,524			

In the above-entitled case, a final decision had been rendered or judgment issued:

DECISION / JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

DISTRIBUTION :

1) Upon initiation of action
mail copy to Commissioner &
lodge a copy in the file

2) Upon filing of document adding copyright(s),
mail copy to Commissioner &
lodge a copy in the file

3) Upon termination of action ,
mail copy to Registrar of Copyrights &
lodge a copy in the file.

FILED
U.S. DISTRICT COURT

2008 JUN 30 P 4:10

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

John P. Ashton (0134)
Clark K. Taylor (5354)
VAN COTT BAGLEY CORNWALL & MCCARTHY
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Salt Lake City, Utah 84111
Telephone: (801) 532-3333
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Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT OF UTAH
DISTRICT OF UTAH, CENTRAL DIVISION

CAO GROUP, INC., a Utah corporation,

Plaintiff,

v.

DENTSPLY INTERNATIONAL, Inc.,
a Delaware corporation

Defendant.

COMPLAINT
(Jury Demanded)

Case: 2:08cv00501
Assigned To : Warner, Paul M.
Assign. Date : 6/30/2008
Description: CAO Group v. Dentsply
International

Plaintiff Cao Group, Inc. ("Cao Group") hereby complains against Defendant Dentsply International, Inc. ("Dentsply") as follows:

JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. A substantial part of the events giving rise to this action occurred in both this judicial district and the District of Utah, meaning venue is proper in both this judicial district and the District of Utah pursuant to 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

PARTIES

3. Cao Group is a corporation organized and existing under the laws of the State of Utah, with its principle place of business located in West Jordan, Utah.

4. Upon information and belief, Dentsply International, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principle place of business located in York, Pennsylvania.

FACTUAL BACKGROUND

5. Cao Group is the owner of the following patents relating to dental curing lights:

a. 6,331,111, entitled "Curing Light System Useful for Curing Light Activated Composite Materials";

b. 6,719,558, entitled "Curing Light";

c. 6,719,559, entitled "Curing Light";

d. 6,755,648, entitled "Curing Light";

e. 6,783,362, entitled "Dental Curing Light Using Primary and Secondary Heat Sink Combination";

f. 6,926,524, entitled "Curing Light";

g. 6,929,472, entitled "Curing Light";

h. 6,932,600, entitled "Curing Light";

- i. 6,953,340, entitled "Light for use in activating light-activated materials, the light having a detachable module containing a heat sink and a semiconductor chip";
- j. 6,971,875, entitled "Dental Curing Light"; and
- k. 6,979,193, entitled "Curing Light."

(collectively, the Cao Group Patents).

6. Cao Group has developed dental curing light products embodying the inventions of the Cao Group Patents, and has spent considerable time, effort, and resources developing and promoting its products embodying the inventions of the Cao Group Patents.

7. In this judicial district and throughout the United States, Dentsply manufactured, used, sold or offered for sale its SmartLite iQ 2 and PS curing light products ("Dentsply Products"), which embody the inventions of and are covered by one or more claims of the Cao Group Patents.

8. Upon information and belief, Dentsply has engaged, and continues to engage, in the manufacture, use, distribution, sale or offer for sale of dental curing light products embodying the inventions of the Cao Group Patents in this judicial district and throughout the United States.

9. On or about December 13, 2006, counsel for Cao Group sent a letter to Dentsply, informing Dentsply of the Cao Group Patents and offering to license the use of such patents to Dentsply. (A copy of which is attached hereto as Exhibit A.)

10. On or about February 22, 2007, counsel for Cao Group sent another letter to general counsel for Dentsply, again offering to license the Cao Group Patents to Dentsply. (A copy of which is attached hereto as Exhibit B.)

11. Again, on or about April 11, 2007, counsel for Cao Group sent another letter to general counsel for Dentsply, providing an analysis of the Dentsply Products in light of the Cao Group Patents and concluding that the Dentsply Products were covered by one or more of the CAO Group Patents. (A copy of which is attached hereto as Exhibit C.)

12. On June 2 and again on July 5, 2007 counsel for Cao Group sent letters to general counsel for Dentsply restating its conclusion that the Dentsply Products infringed the Cao Group Patents and offering to license the Cao Group Patents to Dentsply. (A copy of each is attached hereto as Exhibit D.)

13. Defendant acknowledged the letters in return correspondence, but denied infringing the Cao Group Patents.

14. The letters sent to Defendant on behalf of Cao Group provided notice to Defendant of the Cao Group Patents and numerous other patents and pending patent applications owned by Cao Group covering dental curing light technologies.

15. Defendant therefore knew about the Cao Group Patents at least as early as December 13, 2006.

16. Notwithstanding clear notice of the Cao Group Patents, Dentsply chose to continue its manufacture, use, sale or offer for sale of the inventions developed and patented by Cao Group.

17. Dentsply continues its infringement of the Cao Group Patents by manufacturing, using, selling or offering for sale the inventions developed and patented by Cao Group.

18. Dentsply's manufacture, use, distribution, and sale of the Dentsply Products are malicious and willful and done with knowledge that the accused dental curing light products would infringe one or more claims of the Cao Group Patents.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

19. Cao Group repeats and realleges the allegations made in Paragraphs 1-18 as if fully set forth herein.

20. Since the dates of issuance, Cao Group has been and remains the owner of the Cao Group Patents.

21. Dentsply has infringed, induced infringement of, and contributorily infringed and continues to infringe, induce infringement of, and contributorily infringe the Cao Group Patents by, among other things, making, using, selling or offering to sell in the United States, including in this judicial district, dental curing lights embodying the patented inventions and covered by one or more claims of the Cao Group Patents.

22. On information and belief, each of Dentsply's acts of infringement have been malicious, willful, and deliberate, having been done with full knowledge of the Cao Group Patents and knowledge that the Dentsply Products infringed the Cao Group Patents.

23. Cao Group has been damaged by the acts of Dentsply, and is entitled to recover damages from Dentsply in an amount adequate to compensate Cao Group for the infringement that has occurred, but in no event less than a reasonable royalty for the use made by Dentsply of the inventions, plus attorney fees pursuant to 35 U.S.C. § 285, interest and costs.

24. By reason of the foregoing conduct of Dentsply, Cao Group will suffer irreparable harm and damage, which damage will be difficult to ascertain, leaving Cao Group with no adequate remedy at law, and thereby entitling Cao Group to injunctive relief enjoining Dentsply from further infringing the Cao Group Patents.

PRAYER FOR RELIEF

WHEREFORE, Cao Group demands judgment in its favor and against Dentsply requiring Dentsply to appear and answer and, at trial or final hearing, that Cao Group recover from and against Dentsply the following relief:

1. An adjudication that Dentsply has infringed one or more claims of one or more of the Cao Group Patents, both directly and either contributorily or by inducement.
2. Actual damages, the amounts of which shall be proven at trial;
3. Statutorily increased damages, in an amount not less than treble the actual damages;
4. An award and/or order for an accounting of damages;
5. An award and/or order finding this case to be exceptional;
6. An order that Dentsply deliver to Cao Group, for destruction at Cao Group's option, all products that infringe the Cao Group Patents;
7. Costs of Court;
8. Attorney fees and expenses as permitted by law;
9. An order permanently enjoining Dentsply, its agents, officers, assigns and others acting in concert with Dentsply from infringing, inducing infringement of, or contributing to infringement of the patents in suit; and

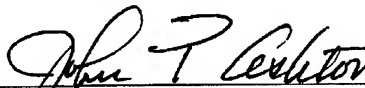
10. All other relief to which Cao Group is entitled.

DEMAND FOR JURY TRIAL

Cao Group demands a trial by jury on all issues.

DATED this 30 day of June, 2008.

VAN COTT BAGLEY CORNWALL & MCCARTHY



John P. Ashton
Clark K. Taylor
Attorneys for Plaintiff

Plaintiff's Address:

DENTSPLY INTERNATIONAL
Susquehanna Commerce Center
221 West Philadelphia Street
York, PA 17405

JS 44 (Rev 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CAO Group, Inc., a Utah corporation,

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

VanCott Bagley Cornwall & McCarthy, 36 S State St., Ste 1900,
Salt Lake City, UT 84111 - (801) 532-3333

DEFENDANTS

Dentsply International, Inc.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES, USE THE LOCATION OF THE

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

BY: DEPUTY CLERK

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | | | | | |
|---|--|--|--|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Asset/Libel & Slander | <input type="checkbox"/> 630 Liquor Laws | <input checked="" type="checkbox"/> 830 Patent | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 650 Airline Regs. | | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 660 Occupational Safety/Health | | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 690 Other | | <input type="checkbox"/> 490 Cable/Sat. TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | | | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | | | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | | | | <input type="checkbox"/> 875 Consumer Challenge 12 USC 3410 |
| <input type="checkbox"/> 196 Franchise | | | | <input type="checkbox"/> 890 Other Statutory Actions |
| | | | | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> Habeas Corpus: | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 530 General | | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 240 Tort to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | | |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

Case: 2:08cv00501

Assigned To : Warner, Paul M.

Assign. Date : 6/30/2008

Description: CAO Group v. Dentsply International